

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:09cr 70
)	
SHAWN ENGLE)	
)	
Defendant.)	

POSITION WITH RESPECT TO SENTENCING FACTORS (SUPPLEMENTAL)

The defendant, Shawn Engle, by counsel, supplements his sentencing position paper as follows:

Defendant will call Norfolk Sheriff's Deputy Carl Enos to testify concerning the Government's claim that the defendant solicited other inmates to attack a government witness. Deputy Enos was the post deputy on the 5th floor, where Engle was housed. Deputy Enos is expected to testify as follows: He received a complaint from Mr. Engle that a hall-man had stolen a letter of his that he had given to the hall-man for mailing. Deputy Enos searched the bin of outgoing mail and did not find the letter. He told Mr. Engle to wait a couple of days to see if the intended recipient of the letter received it. A day or so later Mr. Engle sent Deputy Enos a message that the hall-man had details about Mr. Engle's case and was trying to "jump" on his case. Deputy Enos obtained from Engle written messages ("kites") between Engle and the inmate. Deputy Enos then searched the cell of inmates Wright, Langford, and Engle. In Langford's belongings were messages. In Engle's cell was a letter. When interviewed Langford claimed to be "with the Feds." Wright had no comment.

Deputy Enos will describe the common practice of inmates seeking to obtain favorable treatment in their own cases by obtaining information and trying to “cooperate” against other inmates.

Deputy Enos will further testify that Shawn Engle was not violent and was respectful of inmates and deputies during his stay at Norfolk City Jail.

Respectfully submitted,

Shawn Engle

By _____/s/_____
Richard J. Colgan
Virginia State Bar No. 19635
Attorney for Shawn Engle
Office of the Federal Public Defender
150 Boush Street, Suite 403
Norfolk, Virginia 23510
Telephone: 757-457-0808
Facsimile: 757-457-0880
Email Address: richard_colgan@fd.org

CERTIFICATE OF SERVICE

I certify that on the 7th day of July, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Robert J. Krask, Assistant United States Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Phone: (757) 441-6331
Fax: (757) 441-6689
bob.krask@usdoj.gov

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Karen R. Franklin
U.S. Probation Officer
1001 Omni Blvd. Street Suite 300
Newport News, VA 23606

_____/s/
Richard J. Colgan
Virginia State Bar No. 19635
Attorney for Shawn Engle
Office of the Federal Public Defender
150 Boush Street, Suite 403
Norfolk, Virginia 23510
Telephone: 757-457-0808
Facsimile: 757-457-0880
Email Address: richard_colgan@fd.org